

REMARKS

The Examiner, Mr. Borissov is thanked for the courtesy extended applicants attorney during the interview conducted June 24, 2005, although the interview summary indicates the date of interview as "25 June 2005". Otherwise, applicants agree with the indication in the interview summary that the applicability of the prior art was discussed, at least in terms of the non-applicability thereof, and that possible amendments to the claims were discussed, which amendments are presented herein by the Supplemental Amendment.

Turning the to the amendments to the claims, applicants note that the amendments presented are of a clarifying nature that the present invention is directed to energy consumption of a production facility and/or a utility facility utilizing cold or warm heat energy as opposed to the equipment of such a facility. As discussed with the Examiner at the interview, the present invention as shown in the attached sketch is directed to the energy consumption of such a facility which is a function of temperature, humidity and/or production quantity, as described in the specification at page 3, line 19 to page 4, line 10; page 10 in terms of (step S11); page 12 in terms of (Step S15); page 13 in terms of (Step S16); page 16 in terms of (Step S20); page 24 in terms of (Step S35); and on page 25 in terms of (Step S36); for example. Applicants note that temperature, humidity and/or affect the energy consumption of hot or cold energy, and in order to obtain accurate past data as well as accurate present data when energy saving measures are taken into account, the energy consumption correlated with temperature, humidity and/or production quantity is taken into account and comparison is effected with present data also taking such factors into account. Applicants submit that such features are recited in the

independent and dependent claims of the application, as discussed with the Examiner.

As pointed out to the Examiner during the interview, the cited art of Yablonowski et al does not disclose or teach storing past data in a form correlated with date of temperature and humidity of atmosphere or production of quantity, and measuring present energy consumption after taking energy saving measures in accordance with temperature and humidity or production quantity, and thereafter making a comparison of the past and present energy consumption based upon temperature and humidity or production of quantity, as recited in the claims of this application.

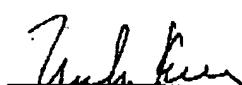
Applicants note that the Examiner has referred to column 6, lines 35 - 39 of Yablonowski et al, as indicating that an audit reflects whether or not the area has air conditioning. Applicants submit that whether or not an indication is provided in Yablonowski et al of whether or not an area has air conditioning, such only indicates that whether air conditioning is provided or not and is not a measurement of temperature, humidity, or production quantity. Air conditioning can provide different levels of temperature and/or humidity and applicants submit that there is no disclosure or teaching in Yablonowski et al giving consideration to temperature and humidity. Furthermore, there is no disclosure or teaching regarding production quantity in Yablonowski et al. Additionally, applicants note that Yablonowski et al is directed to a lighting system and is not considered to be directed to energy consumption of a production facility and/or a utility facility utilizing cold or warm heat energy, to which the present invention is directed and which features are recited in the claims of this application.

Accordingly, applicants submit that Yablonowski et al fails to disclose or teach the recited features of the independent and dependent claims of this application in the sense of 35 USC 103 and all claims should be considered allowable thereover.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 389.40083X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



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Melvin Kraus  
Registration No. 22,466

MK/jla  
(703) 312-6600